

ED/Chairman's Report: Thursday, September 26, 1996

1. Call to Order/Roll Call.

Call on Margit.

2. Public Comments.

PAT: This is the time for comments from the public on any matter not on tonight's agenda.

3. Minutes of July 25, 1996 Meeting.

Needs MOTION and SECOND: Voice Vote only.

4. Chairman's Report.

* Report on Closed Session

* Change to Tonight's Agenda: I am going to move Item #11, the Vote on the Proposed Regulation up on the agenda; we will take that item up right after Item No. 6, the Executive Director's Report due to scheduling conflicts of some of the Commissioners.

* Next Meeting: The next meeting of the Commission is scheduled for Thursday, October 24, 1996 at 6:30 p.m. in the Jean Harvie Community Center. A meeting of the Budget, Finance and Administrative Subcommittee has been scheduled for Thursday October 3, 1996 at 4:00 p.m.

* Upcoming Events:

Commission is one of many Sponsors of the upcoming State of the Estuary Conference to be held on October 10, 11 and 12 at the Presidio in San Francisco.

In Antioch on September 27 and 28, the Antioch River Town Days will be held.

In Rio Vista, the Bass Derby will be held on October 13, 14, and 15.

* Legislation approving the Commission's two year time extension was been APPROVED by the Legislature and signed by the Governor on September 15. Staff has distributed a copy of the changes. As you recall, funds for the second half of the fiscal year have already been included in the State budget. On behalf of the Commission, I sent a letter to each of the five legislators that served as sponsors of the Legislation thanking them.

* Associated actions. The time extension starts a series of actions. You have received in your packet a schedule for next calendar year; the Commission now must meet at least every other month, not every month, however, I have asked staff to schedule a monthly meeting which will be canceled if there are no matters for Commission consideration. I will be sending letters to the water agencies asking them to schedule election of representatives. The Commission will consider at the next meeting a revised budget and work program for the full fiscal year. Thanks to all of you who supported the Commission to date, and we hope the Commission and the public will continue to support the Commission and its work in the next two years.

* A new Director of Boating and Waterways was recently appointed and sworn in, Ron Del Principe. We are pleased that he has reappointed Bill Curry to sit on the Commission.

5. Attorney General's Report.

Call on Rick Frank.

6. Executive Director's Report.

Final Budget Numbers: The approved budget included funding for the Commission for the full fiscal year; the total granted is \$288,000. That is 86K from ELPF; 101K from Harbors and Watercraft; and 101K from Delta Flood Protection Fund.

Pending Projects:

GIS: We continue to work with Berkeley, CERES and Teale on the GIS. We are working with Teale to have them take over management of the homepage so we can add monthly agendas and minutes and have it look and perform better; that work is underway with the money in the existing contract with Teale.

Recreation Study/Dave Cox at Department of Parks and Rec:

10,000 letters have been mailed to the Boater list; and 10,000 letters have been mailed to the angler list. The actual questionnaires will go out the first week in October; I will be meeting with DPR staff October 8 and will report back to you at the next meeting.

10% Penalty Fund: New Fiscal Year \$1032. Note the 10% penalty will be dropped after the first of the year in the amended legislation.

CALFED: CALFED released its Phase I Final Report and has set up a number of committees to help develop information to become part of the project descriptions to be included in the environmental document. As you may recall, the project descriptions selected for review in the programmatic environmental document are general. These committees, working with a number of consultants and CALFED staff, are helping develop more specific proposals. I have been participating on the Levee Committee, and the Subsidence Subcommittee. I believe these are key issues that are of great concern to the Commission.

FYI:

Ducks: US Fish and Wildlife Service's Fall Flight Forecast estimates 83 million ducks will migrate along the Pacific Flyway this fall and winter. This is 8 million more than 1995.

Egeria dense: Commissioner Herendeen forwarded an article about the currently passed legislation about Egeria densa. The bill includes one million dollars for eradication of the weed and \$100,000 for research. The article also states its been a bumper year for water hyacinth which can double its mass in three weeks and requiring multiple spraying this summer.

Striped Bass index is at the lowest level in 25 years; the reason for the decline is not yet fully understood.

On the other hand, the Delta smelt index is UP; highest since 1994, but still below 1970 and early 1980s levels. Until 1983: average index was 19.5/ 1983 to 1992: Index 2.4; 1996 Index: 11.1.

A recently released study indicates two of the State's fastest growing cities are on edge of the Delta: Brentwood is #1 and Galt is #9; the 5th fastest growing County is Yolo.

This year's category III projects are due to CALFED on October 21.

Status of Local Government General Plans: Four completed:

San Joaquin: July 9
Contra Costa: July 23
Sacramento: September 11
City of Rio Vista: August 15

Update on Local Government Sludge Ordinances:

San Joaquin, Solano, and Yolo are continuing to work on local ordinances: I submitted preliminary comments to San Joaquin and Solano last week and will be commenting to Yolo County this week.

A final note, I attended the "California Assembly Process" on July 24 though 26; this year's topic was Bay Delta Institutional Issues. This involves about 100 people meeting in small groups to discuss one issue per year; the results are passed onto policy makers and decision makers for their use. The result of this years meeting was a series of statements which identified key issues and ideas of how to resolve them. Copy of the summary are available.

11. Commission Consideration of the Adoption of the Utilities and Infrastructure P-3 in the Form of a Regulation as an Amendment to the "Land Use and Resource Management Plan for the Primary Zone of the Delta":

CHAIR: This is the scheduled vote on readoption of P-3 as a regulation. As you recall, this policy was included in the original Plan adopted in February of 1995; the Commission was sued and lost when the Court agree the policy was a regulation. The policy was then set aside. The Commission directed staff to proceed with adoption of P-3 as a regulation. The Commission has followed the required sequence of activities, held the required public hearings, staff has prepared responses to the environmental issues raised, and the Commission is scheduled to vote on this matter tonight.

This is not a public hearing, so discussion is limited to questions from Commissioners to staff and Commission discussion. To adopt the regulation, we will need ten votes--a majority of the Commission and the vote will be a roll call vote. Let's start a staff presentation.

MARGIT: Mr. Chairman, you have before you the staff report and a supplemental section of environmental analysis from staff which was mailed separately. You have also received a letter from Craig Johns, who represents Bio Gro. Your legal staff has reviewed that letter and believes there is no legal reason why you cannot vote on the matter tonight. The revised staff report, dated September 13, 1996, and the supplemental section review the process to date and summarize environmental comments received in the review process. As you recall, at the close of the public hearings, you received copies of all the written correspondence and minutes of all the public hearings. The summaries and responses attached to the staff report address the environmental points only. This is because, after consultation with Office of Administrative law, staff determined that those were the only comments and responses needed before the Commission acts; all other comments will be responded to as part of the final submittal to Office of Administrative Law after the Commission takes action. The recommendation of staff is: adopt the proposed language with no changes. If there are any questions, I or your legal

staff would be glad to answer questions from the Commission.

PAT: Are there any questions for staff?

PAT: Are there Commissioner comments?

PAT: I need a motion and a second; Margit, Please take a roll call vote.

MARGIT: The vote is

PAT: At this time I want to thank everybody who participated in this process. This is an important issue, one that will continue to be debated in different forums.

7. Pending Projects Memo.

CHAIR: Are there any questions or comments?

8. Staff Briefing on Status of San Luis Drain and Associated Projects.

CHAIR: Call on Margit.

MARGIT: At the July meeting, there was a public comment which resulted in the Commission asking for an update on the San Luis Drain project. There has been only minimal activity regarding the "long-drain"; the State Water Board and Bureau of Reclamation have been negotiating the terms of an agreement to reimburse the State Water Board for the costs of preparing and environmental document.

However, you may recall last year the Bureau approved a project to divert ag drain water from Salt and Mud Sloughs into the existing portion of the San Luis Drain. This program has not started and will not start until the monitoring program has been approved. To date, there has been release of what was called "groundwater" from the San Luis Drain. This was water that had accumulated in the Drain over the last several years; that water was released in April. A Briefing on the Grassland Bypass Project was held Tuesday, September 24 in Oakland--a monitoring program has been approved by the oversight committee, the reports will be prepared by the San Francisco Estuarine Institute, and reports will be released monthly, quarterly and yearly for the first two years. If all goes well, the use can be continued for three additional years. Recently new coverage has outlined concerns that more pollutants will reach the San Joaquin River and Delta through the Canal, because the in-Slough path allowed some of the materials to be removed, while the proponents state the same levels of materials will be transported in either alternative. The monitoring will prove the facts.

I would be glad to answer any questions.

CHAIR: Are there any questions from the Commission?

Are there any questions from the floor?

Any final comments? (NOTE no action is agendized)

9. Briefing on Regulatory Issues Associated with Levee Maintenance.

CHAIR: Call on Margit.

MARGIT: I wanted to briefly update the Commission on regulatory issues associated with levee maintenance in the Delta. First, the Corps is circulating for reauthorization, the nationwide permits; NWP 3 and 13 are used for levee maintenance; no changes are proposed. The permits would be reissued for five years.

State Lands Commission recently adopted a new memorandum of understanding that would be used to prepare agreements with RDs to simplify dredging material from State-owned lands for levee maintenance work. You have a copy in your packet; There would be a small fee for process, between 300 and 400 dollars; no royalty for the dredged material and the agreement would be for 49 years or until the Corps permits are rescinded.

As you recall I reported that Corps General Permit 14 was reissued last December; as a condition of issuing that general permit which allows dredging for levee maintenance, the federal fisheries agencies developed periods when in-water work can take place without review by the fisheries agencies; for most of the Delta that period is six weeks: August 1 through September 14, work can go past that date under certain conditions, until November 30. There have been concerns raised that the six week period is too short and there are discussions underway of how and under what conditions the work windows could be "opened". These discussions are taking place in the Delta Levees and Habitat Advisory Committee; I will report to you on any changes.

Finally, the CVRWQCB staff is preparing to release three General Orders which set testing requirements for Delta dredging projects. The three orders relate to the sizes of the projects: very small, less than 5,000 cu yards would be exempt; medium and large projects would require a series of tests. Again, there are discussions about the costs and times associated with the proposed testing. There are still ideas under discussion at the Committee, again I will keep you apprised.

10. Report on End of the Legislative Session.

CHAIR: Call on Margit.

MARGIT: This memo was first started two years ago at the start of the two-year legislative session. We have followed-up on all the matters introduced at that time. In addition, we added some of the key legislative matters from the current legislative year.

CHAIR: Unless I hear otherwise from the Commission, I am going to agendize consideration of SB 900, now known as Prop 204, the 995 million dollar bond act scheduled for the November ballot.

12. Commissioner Comments.

CHAIR: Are there any Commissioner comments or announcements?

13. Adjourn.

CHAIR: The meeting is adjourned. Please help put away the table and chairs.